

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUE HONG, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., individually and  
as successor in interest, QBE INSURANCE  
CORP., and DOES 1-10,

Defendants.

NO. 2:20-cv-01667-RSM

CLASS ACTION

**STIPULATION AND ORDER  
REGARDING FILING SECOND  
AMENDED CLASS ACTION COMPLAINT**

NOTE ON MOTION CALENDAR:  
December 1, 2020

1. On October 2, 2020, Plaintiff Sue Hong (“Plaintiff”) filed a putative class action Complaint for (1) Breach of Contract; (2) Violations of the Duty of Good Faith and Fair Dealing; (3) Negligent Supervision; (4) Breach of Fiduciary Duty; (5) Violations of Washington Consumer Protection Act, R.C.W. §§ 19.86.020, *et seq.*; and (6) Conspiracy against Defendants Bank of America and QBE Insurance Corporation (“Defendants,” together with Plaintiff, the “Parties”) in the Superior Court of the State of Washington, King County.
2. On October 5, 2020, Plaintiff filed an Amended Class Action Complaint (“First Amended Complaint”) re-asserting the same six causes of action.

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AMENDED CLASS ACTION COMPLAINT- 1

NO. 2:20-cv-01667

ACTIVE/106009937.2

OGDEN MURPHY WALLACE, P.L.L.C.  
901 Fifth Avenue, Suite 3500  
Seattle, Washington 98164-2008  
Tel: 206.447.7000/Fax: 206.447.0215

3. On November 12, 2020, Defendants removed this action from the Superior Court of the State of Washington, King County, to this Court pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453.

4. On November 17, 2020, the Honorable Barbara J. Rothstein signed and entered the Parties' stipulation extending Defendants' time to respond to the First Amended Complaint to December 2, 2020. ECF No. 12.

5. On November 23, 2020, the Honorable Barbara J. Rothstein, to whom this action originally was assigned, transferred this action to this Court's docket pursuant to the Parties' stipulation. ECF No. 15.

6. The Parties have since engaged in good-faith efforts to narrow and focus the issues and allegations raised in Plaintiff's First Amended Complaint. Further to these discussions, Plaintiff has agreed to consider amending the complaint in an effort to revise and/or remove certain allegations.

7. To that end, Plaintiff hereby requests leave to file a Second Amended Complaint on or before December 16, 2020. Defendants have consented to this request, subject to the Court's approval.

8. In addition, to avoid unnecessary motion-to-dismiss briefing, conserve the Court's and the Parties' time and resources, and to account for intervening Holidays and undersigned counsels' Holiday schedules, the Parties request that Defendants' deadline to respond to the then-operative complaint be extended to on or before January 13, 2021. This will avoid unnecessary responses to a First Amended Complaint that Plaintiff seeks herein to amend.

Accordingly, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiff SUE HONG and Defendants BANK OF AMERICA, N.A. and QBE INSURANCE CORPORATION, and subject to the Court's approval, that

1. Plaintiff shall file a Second Amended Complaint on or before December 16, 2020;

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STIPULATION AND ORDER REGARDING FILING SECOND  
AMENDED CLASS ACTION COMPLAINT- 2

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2. Defendants' responses to the then-operative complaint shall be filed on or before January 13, 2021.

DATED this 1<sup>st</sup> day of December, 2020.

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Attorneys for Defendant BANK OF AMERICA, N.A.

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STIPULATION AND ORDER REGARDING FILING SECOND  
AMENDED CLASS ACTION COMPLAINT- 3

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17 Attorneys for Defendant QBE INSURANCE CORP.

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19 STIPULATION AND ORDER REGARDING FILING SECOND  
20 AMENDED CLASS ACTION COMPLAINT- 4  
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**ORDER**

IT IS HEREBY ORDERED that

1. Plaintiff SUE HONG shall file a Second Amended Complaint on or before December 16, 2020; and
2. Defendants BANK OF AMERICA, N.A.'s and QBE INSURANCE CORPORATION's deadline to respond to the then-operative complaint shall be filed on or before January 13, 2021.

DATED this 2<sup>nd</sup> day of December, 2020.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify under the laws of the United States of America that on the 1<sup>st</sup> day of December, 2020, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF System and served counsel below by the method indicated:

<p>Harish Bharti, WSBA #23960          BHARTI LAW GROUP, PLLC          6701 37<sup>th</sup> Avenue NW          Seattle, WA 98117          Ph: 206-819-5484          Email: <a href="mailto:mail@hbharti.com">mail@hbharti.com</a></p> <p>Jason E Anderson, WSBA #32232          Law Office of Jason E. Anderson          5355 Tallman Avenue NW, Ste. 207          Seattle, WA 98107          Ph: 206-706-2882          Email: <a href="mailto:jason@jasonandersonlaw.com">jason@jasonandersonlaw.com</a></p> <p>Roger S. Davidheiser, WSBA #18638          Friedman Rubin          1109 First Avenue, Suite 501          Seattle, WA 98101          206.501.4446  <a href="mailto:rdavidheiser@friedmanrubin.com">rdavidheiser@friedmanrubin.com</a></p> <p><b><i>Attorneys for Plaintiff</i></b></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Messenger  <input type="checkbox"/> Email  <input checked="" type="checkbox"/> CM/ECF</p>
<p>Laura Nichole Coughlin, WSBA #46124          WRIGHT FINLAY &amp; ZAK LLP          612 S. Lucille St., Ste. 300          Seattle, WA 98108          Ph: 206-691-8663          Fax: 949-608-9142          Email: <a href="mailto:lcoughlin@wrightlegal.net">lcoughlin@wrightlegal.net</a></p> <p>David L Permut          GOODWIN PROCTER LLP          1900 N St. NW          Washington, DC 20036          Ph: 202-346-4000          Email: <a href="mailto:DPermut@goodwinlaw.com">DPermut@goodwinlaw.com</a></p> <p>Laura A Stoll          GOODWIN PROCTER LLP          601 S. Figueroa St., 41<sup>st</sup> Floor          Los Angeles, CA 90017          Ph: 213-426-2500          Email: <a href="mailto:LStoll@goodwinlaw.com">LStoll@goodwinlaw.com</a></p> <p><b><i>Attorneys for Defendant Bank of America, N.A.</i></b></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Messenger  <input type="checkbox"/> Email  <input checked="" type="checkbox"/> CM/ECF</p>

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***Attorneys for Defendant QBE Insurance Corp.***

☐ U.S. Mail  
☐ Messenger  
☐ Email  
☒ CM/ECF

DATED this 1<sup>st</sup> day of December, 2020.

*s/Daniel F. Shickich*

Daniel F. Shickich, WSBA #46479

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STIPULATION AND ORDER REGARDING FILING SECOND  
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